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Attorneys for Defendant Michael Mendoza, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STOP FRANCHISING SPE LLC, a Delaware
limited liability company,

Plaintiff,

v.

MICHAEL MENDOZA, INC, a Nevada
corporation; and DOES 1 THROUGH 10,

Defendant.

MICHAEL MENDOZA, INC, a Nevada
corporation,

Counterclaimant,

STOP FRANCHISING SPE LLC, a Delaware
limited liability company,

Counterdefendant.

CASE NO.: 2:22-cv-01471-GMN-BNW

**STIPULATION AND ORDER TO ALLOW
COUNTERCLAIMANT TO FILE AN
AMENDED COUNTERCLAIM
PURSUANT TO FRCP 15(a)(2)**

Plaintiff and Counterdefendant, STOP FRANCHISING SPE LLC (“Plaintiff”) and Defendant and Counterclaimant, MICHAEL MENDOZA, INC. (“Defendant” or “Mendoza Inc.”) (collectively, the “Parties”), by and through their undersigned counsel of record, for good cause shown, hereby stipulate, pursuant to FRCP 15(a)(2), to allow Defendant to file an Amended Counterclaim, as set forth below.

1. Plaintiff filed its First Amended Complaint (“FAC”) against Defendant Michael Mendoza, Inc. and Michael Mendoza on October 10, 2022 (ECF No. 23).

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2. Mendoza Inc. filed its Answer to the FAC and Counterclaim on October 24, 2022 (ECF No. 31).

3. The Court adopted the Parties' Joint Discovery Plan and issued its Scheduling Order on November 30, 2022 (ECF No. 35). The Scheduling Order set January 24, 2023 as the deadline to add parties or amend pleadings.

4. Now, Mendoza Inc. seeks to file an amended counterclaim to add additional factual allegations, as set forth in **Exhibit A** hereto (redline version) and **Exhibit B** (clean version), in accordance with LR 15-1.

5. Mendoza Inc.'s proposed amended counterclaim is timely submitted in accordance with the Scheduling Order. As such, and based on FRCP 15(a)(2)'s directive that leave should be freely given, Plaintiff has no objection to the filing thereof, and consents to the same.

6. The request to file an Amended Counterclaim is not intended to cause any undue delay or prejudice to any party and is not made for an improper purpose.

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7. Assuming the Court signs this Order, the Parties consent to the filing of Exhibit B.

DATED this 24th day of January, 2023.

MORTENSON TAGGART ADAMS LLP

/s/ Kevin A. Adams

By: _____

Kevin A. Adams, Esq. (*pro hac vice*
application forthcoming)
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Attorneys for Plaintiff

DATED this 24th day of January, 2023.

WILEY PETERSEN

By: _____

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Attorneys for Defendant

ORDER

IT IS ORDERED that ECF No. 42 is GRANTED.

IT IS FURTHER ORDERED that the Clerk of Court shall detach and separately file Ex. B.

IT IS SO ORDERED

DATED: 1:56 pm, January 25, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE